

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No. 4:15CR00553 JAR
)
KYLE MAURICE PARKS,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge John M. Bodenhausen (ECF No. 80). On June 20, 2016, Defendant Parks filed a Motion to Suppress Evidence (ECF No. 53)¹. Magistrate Judge Bodenhausen recommends the Court deny Defendant's Motion to Suppress Evidence.

Pursuant to 28 U.S.C. § 636(b), these matters were referred to United States Magistrate Judge John M. Bodenhausen, who filed a Report and Recommendation on September 19, 2016 (ECF No. 80). Defendant Parks filed objections to the Report and Recommendation on October, 2016 (ECF No. 84), stating objections to both the Findings of Fact, and the Discussion, Conclusions of Law and Recommendation. The Government then filed a Response to the Objections on October 11, 2016 (ECF No. 85), and with leave of Court, Defendant Parks therafter filed a Reply to the Response (ECF No. 87) on October 18, 2016. The Court finds that the Magistrate Judge's conclusions are supported by the evidence, and Defendant Park's objections are not persuasive.

¹ Following the filing of a superseding indictment, Defendant was given time to file additional pretrial motions. On September 9, 2016, he filed a Notice that he didn't intend to file any additional motions. (ECF No. 76)

The Magistrate Judge recommends that the Motion to Suppress Evidence be denied.

After de novo review of this matter, this Court adopts the Magistrate Judge's recommendation.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge [80] is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

IT IS FURTHER ORDERED that the Motion to Suppress Evidence [53] is **DENIED**.

IT IS FURTHER ORDERED that based upon the numerous filings by the parties following the issuance of the R&R, including the Defendant's reply memorandum, the Court finds that pursuant to 18 U.S.C. § 3161(h)(7), the interests of justice are served by a continuance of the trial setting, that the interests of justice outweigh the interest of the public and Defendant in a speedy trial, and that, therefore, any time elapsed is excludable time under the Speedy Trial Act.

The Jury Trial in this matter is continued to **Monday, January 9, 2017 at 9:00 a.m.**

Dated this 14th day of November, 2016.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE